

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

MAKYLLA HOLLAND,

Plaintiff(s)

v.

BROOME COUNTY; DAVID E. HARDER, in his individual and official capacity as Broome County Sheriff; MARK SMOLINSKY, in his individual and official capacity as Broome County Jail Chief Administrator; and ISHTIAQ HOSSAIN, MAHMOOD AHMED, PARRIS GEORGE, ADAM VALLS, DAVID ALLEN, FRANKLIN BIRT, MICHAEL MCCAFFERTY, MATTHEW SIMEK, DANIEL WEIR, JOSEPH DAVIS, NICHOLAS BIXBY, DOUGLAS DAILEY, ADAM WILCOX, BRIAN DOYLE, COLIN RILEY and CORRECTIONS OFFICERS DOE 1-5, all in their individual capacities.

Defendant(s)

Civil Action No. 9:22-cv-00297-DNH-CFH

SUMMONS IN A CIVIL ACTION

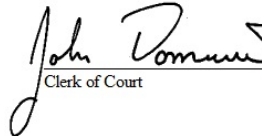
To: (Defendant's name and address) Daniel Weir
12 KEELER AVE
BINGHAMTON, NY 13901-1315

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeremy A. Benjamin (Bar Roll #: 516705)
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, New York 10019
(212) 373-3000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.


Clerk of Court



Date: September 15, 2022

s/N. Steves

Signature of Clerk or Deputy Clerk

Civil Action No. 9:22-cv-00297-DNH-CFH

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Job #: 1464128

Attorney: Paul, Weiss, Rifkind, Wharton & Garrison
Address: 1285 Avenue Of The Americas New York, NY 10019

MAKYLA HOLLAND,

vs

BROOME COUNTY, et al.,

Plaintiff

Defendant

Index Number: 9:22-cv-00297-DNH-CFH

Client's File No.: 091019-00001 (E. Abrams)

Court Date:

Date Filed: 09/13/2022

STATE OF NEW YORK, COUNTY OF BROOME, SS.:

Jonn Russel, being sworn says:

AFFIDAVIT OF SERVICE

Deponent is not a party herein; is over the age of 18 years and resides in the State of New York.

On 09/19/2022, at 11:03 AM at: 12 KEELER AVENUE, BINGHAMTON, NY 13901-1315 Deponent served the within Summons in a Civil Action, Amended Complaint Jury Trial Demanded

On: DANIEL WEIR, Defendant therein named.

Said documents were conformed with index number and date of filing endorsed thereon.

☒ #1 AFFIXING TO DOOR

By affixing a true copy of each to the door of said premises which is defendant's

☐ actual place of business / employment ☒ dwelling house (usual place of abode) within the state. Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there

☐ #2 WITNESS FEES

Subpoena Fee Tendered in the amount of \$

☒ #3 OTHER

ON 9/16/22 AT 8:50 PM, 9/17/22 AT 4:05 PM AND 9/19/22 AT 11:03 AM I ATTEMPTED TO SERVE DANIEL WEIR AT THE ADDRESS PROVIDED. ON EACH ATTEMPT THERE WAS NO ANSWER AT THE DOOR. I CONFIRMED DANIEL WEIR LIVES AT THIS ADDRESS WITH THE NEIGHBOR. ON MY FINAL ATTEMPT I POSTED THE DOCUMENTS TO THE DOOR.

☒ #6 MAILING

Jonn Russel being duly sworn, deposes and says: that deponent completed service by depositing a copy of the said documents in a postpaid properly addressed envelope, bearing the words "Personal and Confidential" by first class mail on: 09/19/2022 to DANIEL WEIR at 12 KEELER AVENUE, BINGHAMTON, NY 13901-1315 in an official depository of the United States Postal Service in the State of New York. The envelope did not indicate on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

Sworn to before me on

9-19-22

DEBORA RUSSELL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01RU6369074
Qualified in Broome County
My Commission Expires 12/26/2025



Jonn Russel
DCA License #